SB Civil Writ Petition No.6137/1994
Rajasthan Paryatan Vikas Nigam
Vs
Judge,Labour Court,Jaipur & another
4.10.2007

Hon'ble Mr Justice Ashok Parihar

Mr KK Sharma - for petitioner
Mrs Swati Bhati – for respondent No.2
BY THE COURT:

Petitioner has challenged the award dated 7.1.1994 passed by the Labour Court, Jaipur, by which, while holding the termination of services of respondent No.2 (the concerned workman) as illegal and unjustified for want of compliance of section 25-G and 25-H of the Industrial Disputes Act, 1947 (for short 'the Act') the concerned workman has been ordered to be reinstated with full back wages. The Labour Court, on the basis of evidence and material on record, has come to a finding that there have been no violation of section 25-F of the Act, however, prior to termination of service of the concerned workman junior person was still in employment and further fresh recruitment has taken place after termination of service. On the basis of above finding, since, after due consideration, proper discretion has been used by the Labour Court in ordering reinstatement, I find no error or illegality in the same, however, looking to the nature and

duration of employment, I find no justification at all to grant any back wages.

Accordingly, the writ petition is partly allowed. The impugned award dated 7.1.1994 is modified to the extent that the concerned workman shall be entitled for reinstatement on same terms and conditions he was employed at the time of his termination from the date of the award i.e. 7.1.1994 only, however, he will not be entitled for any back wages prior to the above date.

(Ashok Parihar) J.

bnsharma